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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
JULES MINH SON VO, et al.,  
Defendants.

No. CR 08-00402 RMW

STIPULATION TO CONTINUE  
PRETRIAL CONFERENCE AND TRIAL  
BY ONE WEEK TO ACCOMMODATE  
PROMISING ELEVENTH-HOUR  
SETTLEMENT DISCUSSIONS;  
ORDER []

Date: October 14, 2010  
Time: 2:00 p.m.

Before The Honorable Ronald M. Whyte

The parties jointly ask the Court to continue the pre-trial conference, currently scheduled to occur at the above date and time, hearing on defendants' motion to sever, currently set for the above date and time, and to reschedule that hearing to **Thursday, October 21, 2010**, at 2:00 p.m., before The Honorable Ronald M. Whyte, and to continue the jury trial also by one week, to **Monday, October 25, 2010**, at 1:30 p.m. The reason for this short continuance is to allow the parties to continue to attempt to resolve this case short of trial.

Settlement discussions began in earnest after this Court referred the parties to a settlement

STIPULATION; ORDER

conference before The Honorable D. Lowell Jensen, United States District Judge. That settlement conference took place on the afternoon of September 28<sup>th</sup>. That morning, the parties had a “pre-meeting” at the United States Attorney’s Office, also to discuss settlement. Although the case did not settle on that date, we did make significant progress. Indeed, the lead defendant, Jules Vo, has now agreed to plead guilty, leaving four defendants – Mai Nguyen, Nguyen Tran, Richard Tran, and Tan Vo – who might still proceed to trial. Although this outcome is by no means certain, the parties believe that postponing the trial by one week may help us to resolve the remaining defendants. The additional time is particularly important because Tan Vo’s counsel has been out of the country since September 29th and will not return until October 10, 2010. Rather than file pretrial papers this week, the parties would like a little more time to build on the progress we have made and see if we cannot settle this case.

The parties further stipulate that the delay occasioned by this continuance, a total of seven days, should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(i) and (iv), based on (1) pending plea negotiations as to the defendants, and (2) time needed for effective defense preparation, in the event that plea negotiations were to fall through.

SO STIPULATED:

DATED: October 7, 2010

MELINDA HAAG  
United States Attorney

/ s /

\_\_\_\_\_  
DAVID R. CALLAWAY  
Assistant United States Attorney  
Counsel for United States

/ s /

DATED: October 7, 2010

\_\_\_\_\_  
VICKI H. YOUNG, ESQ.  
Counsel for Tan Vo

/ s /

DATE: October 7, 2010

\_\_\_\_\_  
RICHARD P. POINTER, ESQ.  
Counsel for Jules Vo

/ s /

DATE: October 7, 2010

\_\_\_\_\_  
JACK D. GORDON, ESQ.  
Counsel for Richard Khoi Tran

1 DATE: October 7, 2010

/ s /

2 PETER A. LEEMING, ESQ.  
3 Counsel for Nhu Mai Nguyen

4 DATE: October 7, 2010

/ s /

5 DAVID C. JOHNSON, ESQ.  
6 Counsel for Nguyen Tran

7  
8 **ORDER**

9 For the reasons set forth above, and good cause appearing,

10 IT IS HEREBY ORDERED that the pretrial conference and jury trial in the captioned  
11 case are each continued one week: the pretrial conference will now be held on **Thursday,**  
12 **October 21, 2010**, at 2:00 p.m., before The Honorable Ronald M. Whyte, and the jury trial shall  
13 begin on **Monday, October 25, 2010**, at 1:30 p.m. The existing dates are vacated.

14 IT IS FURTHER ORDERED that the time between October 18 and 25, 2010, shall be  
15 excluded from the computation the period within which the trial must commence, for the reasons  
16 and based upon the statutory provisions set forth by the parties in the Stipulation. The Court  
17 finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial  
18 based upon the grounds set forth above.

19  
20 Date: 10/13/10

*Ronald M. Whyte*

21 RONALD M. WHYTE  
22 United States District Judge  
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